

Remarks

Page 8 of the specification has been amended to correct a typographical error that has come to applicant's attention.

Claims 1, 3, 7, 13, and 19 have been amended to more particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant notes with appreciation the allowance of claim 21.

Claims 1-20 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed, particularly with respect to claims 1-20, as variously amended hereby.

With regard to claim 1, the Examiner has stated that it is unclear whether the plurality of needles referred to at line 4-5 are the same as those defined at lines 1-2. Accordingly, claim 1 has been amended to positively set forth the correspondence between the needles recited at lines 1-2 and those recited at lines 4-5. Also with regard to claim 1, the Examiner has stated that it is unclear whether the seeds and/or sheaths are intended to be positively claimed elements or not. It appears to the Examiner that they are. Accordingly, applicant has amended claim 1 to positively recite the seeds, which are sheathed within the needles themselves.

With regard to claim 3, the Examiner has stated that the phrase "the leading ends" lacks positive antecedent basis in the claim. Accordingly, applicant has amended claim 3 to provide the necessary antecedent basis.

With regard to claims 7 and 13, the Examiner has stated that the seeds and sheaths are not positively claimed. Accordingly, applicant has amended claims 7 and 13 to positively claim the seeds. As clearly stated in applicant's specification, the needles themselves serve as sheaths for the seeds.

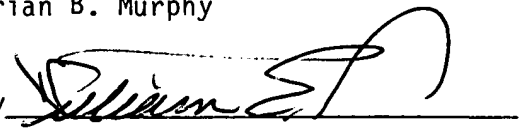
Finally, with regard to claim 19, it is unclear to the Examiner what is intended to be claimed. An implant needle is recited in the preamble, while the claim later recites an elongate push rod that appears not to be part of the needle. Accordingly, applicant has amended claim 19 to claim a needle structure that comprises the previously recited implant needle and the push rod in combination.

In view of the foregoing amendments and remarks, it is believed that claims 1-20, as now amended, now fully comply with the requirements of 35 U.S.C. 112, second paragraph, and that these claims are now in condition for allowance, along with previously allowed claim 21. Favorable action is accordingly solicited.

Respectfully submitted,

Brian B. Murphy

By



William E. Hein
Patent Attorney #26,465

June 27, 2003
(970) 667-6741
Loveland, Colorado

Again, any desired or conventional indicia, such as combinations of alphabetical letters and/or numerals (not shown) may be applied to the push plates to identify the rows and columns of needles associated with the push plates.

Figure 6 illustrates the manner in which each of the screws 56 is connected to the implant needle 34 associated therewith, which needles will be described hereinafter in greater detail. As shown in Figure 6, a cap 58 is provided on the end of each screw 56, the cap 58 defining a recess 60 adapted to receive the adjacent end portion of an associated needle with a loose fit. With such a construction, the screws 56 may be easily disconnected from the associated needles after the needles have been pushed to a predetermined depth in the prostate gland 38 being treated. Each needle 34 will thus remain in the predetermined position within the gland until the needle is pulled back manually as will be described hereinafter in greater detail.

As shown in Figures 6, 11 and 12, each needle 34 is comprised of an elongate tube 62 which is formed of rigid material, such as surgical stainless steel, the wall 64 of the tube defining an internal passageway 66 adapted to receive an elongate push rod 68 with a sliding fit. The wall 64 of the tube also defines an elongate slot 70 adapted to receive a push tab 72 provided on the push rod 68 and projecting radially outwardly therefrom. With such a construction, preloaded spacers ^{and} ~~or~~ radioactive seeds, sheathed by the associated needle as illustrated in Figures 11 and 13, may be unsheathed from the needle by manually holding the push tab 72 in a fixed position while simultaneously withdrawing the needle longitudinally relative to the push rod. If desired, the push rod 68 may be held in place through the agency of a needle-nosed instrument such as



EV310882643

~~"EXPRESS MAIL" MAILING LABEL NUMBER~~

DATE OF DEPOSIT June 27, 2003

~~HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING~~

~~DEPOSITED WITH THE~~

~~UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO~~

~~ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON DATE INDICATED~~

~~ABOVE AND IS ADDRESSED TO: MAIL STOP PETITION~~

~~COMMISSIONER FOR PATENTS, P.O. BOX 1408~~

~~ALEXANDRIA, VA 22303-1408~~

~~William E. Hein~~

~~(TYPED OR PRINTED NAME OF PERSON MAILING PAPER OR FEE)~~

~~(SIGNATURE OF PERSON MAILING PAPER OR FEE)~~

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b); REVOCATION OF POWER OF ATTORNEY OR AUTHORIZATION OF AGENT; POWER OF ATTORNEY OR AUTHORIZATION OF AGENT; AMENDMENT "A" IN RESPONSE TO OFFICE ACTION MAILED APRIL 1, 2002; ATTORNEY'S CHECK IN THE AMOUNT OF \$650 (SMALL ENTITY) IN PAYMENT OF THE PETITION FEE UNDER 37 CFR 1.17(m) in re U.S. Patent Application Serial No. 09/651,603 entitled RADIOACTIVE SEED IMPLANTATION SYSTEM AND METHOD filed August 30, 2000 (Brian B. Murphy).